IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CENTRAL EXCISE APPEAL (L) NO.2 OF 2005

The Commissioner of Central Excise .. Appellant.

V/s.

M/s.Shree Warna Sahakari Dudh .. Respondent.

Mr.A.S. Rao with Mr.Y.R. Mishra i/b. Dr.T.C. Kaushik for the appellant.

Mr.E.P. Bharucha, senior counsel with Mr.M.P. Baxi i/b. Tushar Tijoriwala for the respondent.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 3RD APRIL, 2006.

P.C. :

Mr.A.S. Rao, the learned counsel for the revenue prays for withdrawal of this appeal. He further submits that liberty may be granted to the revenue to challenge the order dated 20th June, 2003 in appeal.

2. The appeal is allowed to be withdrawn. As regards challenge to the order dated 20th June, 2003 passed by the Tribunal, we do not have to grant any liberty. It is always open to the appellant to challenge the order dated 20th June, 2003 in appropriate proceedings in accordance with law and if the limitation for challenging the same has expired,

make out a ground for condonation of delay.

3. With the aforesaid observations, the appeal is allowed to be withdrawn.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)